

**§ 900.218 What is a claim under the CDA?**

(a) A claim is a written demand by one of the contracting parties, asking for one or more of the following:

- (1) Payment of a specific sum of money under the contract;
- (2) Adjustment or interpretation of contract terms; or
- (3) Any other claim relating to the contract.

(b) However, an undisputed voucher, invoice, or other routing request for payment is not a claim under the CDA. A voucher, invoice, or routing request for payment may be converted into a CDA claim if:

- (1) It is disputed as to liability or amount; or
- (2) It is not acted upon in a reasonable time and written notice of the claim is given to the awarding official by the senior official designated in the contract.

**§ 900.219 How does an Indian tribe, tribal organization, or Federal agency submit a claim?**

(a) An Indian tribe or tribal organization shall submit its claim in writing to the awarding official. The awarding official shall document the contract file with evidence of the date the claim was received.

(b) A Federal agency shall submit its claim in writing to the contractor's senior official, as designated in the contract.

**§ 900.220 Does it make a difference whether the claim is large or small?**

Yes. The Contract Disputes Act requires that an Indian tribe or tribal organization making a claim for more than \$100,000 shall certify that:

- (a) The claim is made in good faith,
- (b) Supporting documents or data are accurate and complete to the best of the Indian tribe or tribal organization's knowledge and belief;
- (c) The amount claimed accurately reflects the amount believed to be owed by the Federal government; and
- (d) The person making the certification is authorized to do so on behalf of the Indian tribe or tribal organization.

**§ 900.221 What happens next?**

(a) If the parties do not agree on a settlement, the awarding official will issue a written decision on the claim.

(b) The awarding official shall always give a copy of the decision to the Indian tribe or tribal organization by certified mail, return receipt requested, or by any other method which provides a receipt.

**§ 900.222 What goes into a decision?**

A decision shall:

- (a) Describe the claim or dispute;
- (b) Refer to the relevant terms of the contract;
- (c) Set out the factual areas of agreement and disagreement;
- (d) Set out the actual decision, based on the facts, and outline the reasoning which supports the decision; and
- (e) Contain the following language:

This is a final decision. You may appeal this decision to the Interior Board of Contract Appeals (IBCA), U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. If you decide to appeal, you shall, within 90 days from the date you receive this decision, mail or otherwise furnish written notice to the IBCA and provide a copy to the individual from whose decision the appeal is taken. The notice shall indicate that an appeal is intended, and refer to the decision and contract number. Instead of appealing to the IBCA, you may bring an action in the U.S. Court of Federal Claims or in the United States District Court within 12 months of the date you receive this notice.

**§ 900.223 When does an Indian tribe or tribal organization get the decision?**

(a) If the claim is for more than \$100,000, the awarding official shall issue the decision within 60 days of the day he or she receives the claim. If the awarding official cannot issue a decision that quickly, he or she shall tell you when the decision will be issued.

(b) If the claim is for \$100,000 or less, and you want a decision within 60 days, you shall advise the awarding official in writing that you want a decision within that period. If you advise the awarding official in writing that you do want a decision within 60 days, the awarding official shall issue the decision within 60 days of the day he or she receives your written notice.